

Mr. Danny Woodward, Mayor Pro Tem
Ms. Sarai Melendez, Councilwoman
Mr. Keith Pace, Councilman
Mr. Tyler Jordan, Councilman

Mr. Danny Edwards, Mayor

Mr. Grant Keehn, Councilman
Mr. David Underwood, Councilman
Mr. Michael Kozlarek, City Attorney
Mr. Timothy B. Burton, City Administrator

AGENDA
WALHALLA CITY COUNCIL MEETING
July 18, 2023
5:30 PM
City Hall
206 N Church St, Walhalla, SC

CALL TO ORDER & WELCOME

Mayor Edwards

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

June 20, 2023

PUBLIC COMMENT (Public Comment is limited to 5 minutes and must be directed to Council, per City Ordinance 2022-8)

ADMINISTRATOR COMMENTS

Brandon Burton

MONTHLY ADMIN AND STAFF REPORT

Brandon Burton

READING OF PROCLAMATIONS, RESOLUTIONS, AND ORDINANCES

Mayoral Proclamation:

None proposed

First and Final Reading of Resolutions:

None proposed

Second, Final Reading and Public Review of Ordinances: (Public Comment is limited to 5 minutes and must be directed to Council, per City Ordinance 2022-8)

(none proposed)

CITY OF WALHALLA

"MAIN STREET to the MOUNTAINS"

Mr. Danny Woodward, Mayor Pro Tem
Ms. Sarai Melendez, Councilwoman
Mr. Keith Pace, Councilman
Mr. Tyler Jordan, Councilman

Mr. Danny Edwards, Mayor

Mr. Grant Keehn, Councilman
Mr. David Underwood, Councilman
Mr. Michael Kozlarek, City Attorney
Mr. Timothy B. Burton, City Administrator

First Reading of Ordinances:

(none proposed)

DISCUSSION AND/OR ACTION ITEMS (to include Vote and/or Action on matters brought up for discussion, if required)

- 1. Approval of Contract for Building Official**
- 2. Approval of MOU with Main Street Walhalla**
- 3. Authorize repairs to sanitation truck**
- 4. Discussion of proposed Water and Sewer Ordinance**

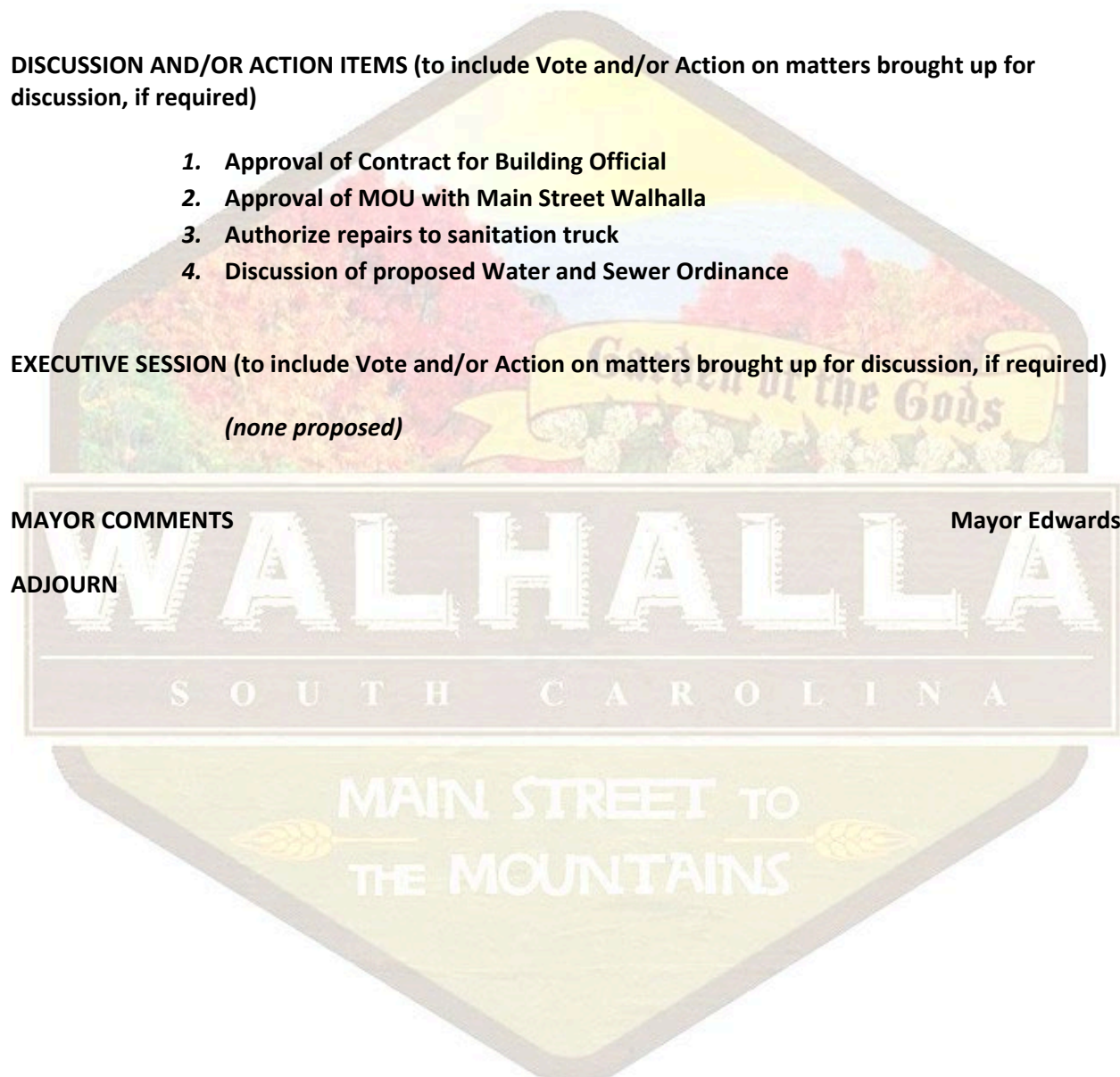
EXECUTIVE SESSION (to include Vote and/or Action on matters brought up for discussion, if required)

(none proposed)

MAYOR COMMENTS

Mayor Edwards

ADJOURN



**City of Walhalla
City Council
Tuesday, June 20, 2023 • 5:30 PM
Council Chambers • City Hall
Walhalla, South Carolina
Minutes**

In accordance with the South Carolina Freedom of Information Act, Section 30-4-10 et seq., South Carolina Code, 1976, the media was duly notified of the date, time, and place of the meeting.

Councilmembers Present: Mayor Danny Edwards, Mayor Pro Tem Danny Woodward, Tyler Jordan, Sarai Melendez and Keith Pace

Councilmembers Absent: Grant Keehn and David Underwood

Staff Present: Brandon Burton and Celia Myers

Call to Order: Mayor Edwards called the meeting to order at 5:30 PM, with a quorum present to conduct the meeting and welcomed all present to the meeting.

Moment of Silence: Mayor Edwards called for a moment of silence.

Pledge of Allegiance: Mayor Edwards asked Councilmember Pace to lead the Pledge of Allegiance.

Approval of Agenda: Mayor Edwards called for a motion to approve the agenda. Mr. Pace moved to add the discussion of a service contract to the agenda, under Executive Session. Mr. Jordan seconded and the motion to amend passed 5-0. Mr. Pace moved to approve the amended agenda; Ms. Melendez seconded. The agenda was unanimously approved.

Approval of Minutes: Mayor Edwards called for any changes to the May 16, 2023 minutes. Hearing none, Ms. Melendez moved to approve the minutes; Mr. Woodward seconded. The minutes were unanimously approved.

Public Comments: Mayor Edwards called for any public comments. None were provided

Administrator's Comments: Mr. Burton asked to reserve his comments until the July meeting.

Monthly Admin and Staff Report: Mr. Burton presented the monthly report for the month of May and highlighted several items, including the recent SCIIP training by RIA and process on Stumphouse and Ross Mountain expansions.

Resolution 2023-12 - Resolution Changing Meeting Dates

Mr. Burton presented the revised meeting schedule for the remainder of the 2023 calendar year. He reminded Council that called meetings may be held, should they be necessary. Mr. Pace moved to accept the new schedule; and Mr. Woodward seconded. The motion passed unanimously.

Resolution 2023-13 - Resolution Affirming 2 CFR 200 Procurement Guidelines for SCIIP

Mr. Burton presented the resolution explaining that it affirms that the City of Walhalla has received federal funding through the SC Infrastructure Improvement Program and will follow state and federal procurements requirements. Mr. Woodward moved to accept the new schedule; and Ms. Melendez seconded. The motion passed unanimously.

Ordinance 2023-16 - An ordinance to repeal Chapter 123 Building and Building Construction of the City of Walhalla Code of Ordinances and replace with Chapter 123 Building Codes

Mr. Burton presented the proposed ordinance for 2nd reading and adoption. The new Building Codes chapter establishes a building official, permitting process, land disturbance permit, procedures for nuisance/unhabitable buildings and will require and enforce the most currently adopted ICC codes by the State of SC. Mayor Edwards opened the public comment section and invited anyone with comments to approach. None were provided. Mr. Pace moved to adopt the ordinance at 2nd reading; Mr. Jordan seconded. The motion to approve Ordinance 2023-16 at second reading was unanimously passed.

Mural Permit Application

Mayor Edwards invited Mr. Arthur Lucas, applicant, to approach and make his request. Mr. Lucas introduced himself and his business, Freehouse Brewery. He is requesting approval of a mural for the front of his new brewery on Main Street. He apologized for having commenced work prior to a permit and assured Council that he was vested in the community. Council asked staff to review the mural language in Code. Mrs. Myers noted that Council can review colors, size and location of the mural and that as the property was within the Downtown Design Overlay, the guidelines must be followed. She also noted that the Code stated reviews would be content-neutral. Council discussed whether the colors selected were within the approved color palette. Mrs. Myers and Mr. Lucas agreed to coordinate to ensure adherence to the Downtown Design Guidelines color palette. Mr. Pace moved to approve the mural permit request; Mr. Jordan seconded. The motion to approve the mural permit was passed 5-0. Council and Mr. Burton noted a desire to amend the Zoning Ordinance to allow the Zoning Administrator to review and approve mural permits in the same manner as signage.

Discussion of CPAT

Mr. Burton deferred to Mrs. Myers for the CPAT presentation. Mrs. Myers gave a brief recap of the CPAT (Community Planning Assistance Team) project, provided by the SC Chapter of the American Planning Association. A public charrette was held January 28, 2023 and gathered input from participants related to connectivity, programs/activities and the built environment of Kaufmann Square (Depot Park) and surrounding City property. The prepared report provided a base analysis of the property, compilation of public comments and recommendations for short-, mid- and long-term projects. She added that the Main Street Walhalla Board, applicant for the CPAT award, had reviewed the report and adopted a resolution accepting and recommending it to full Council. The report will be included as community input in the upcoming Comprehensive Planning process. Mr. Pace moved to accept the report and direct staff to draft an implementation plan; Mr. Woodward seconded. The motion to adopt and draft an implementation plan was unanimously approved.

Discussion of Historical designation for Gym and Memorial Field

Mr. Burton presented a letter from Janie Campbell, Preservation Consultant with Rogers Lewis. The National Park Service believes the City Gym and Memorial Field should be included in the request by owners of the historic Walhalla High School for inclusion on the National Registry for Historic Places. The designation is honorific and does not place additional restrictions on either property. Mr. Woodward moved to agree to the request to include both properties on the request by property owners of the historic Walhalla High School to form a historic district. Mr. Pace seconded. Mr. Pace asked for clarification that no restrictions would be placed on the property. Mr. Burton reiterated that the letter stated none would be imposed. Ms. Melendez asked what the benefits and costs would be, if included. Mr. Burton stated that no expenses would be incurred and that the benefit was honorific in nature. Ms. Melendez questioned if the Recreation staff was good with this request. Mr. Burton confirmed they were. The motion to approve the request to join the application for listing on the National Register of Historic Places was approved 5-0.

Discussion of proposed Water and Sewer Ordinance

Mr. Burton introduced the staff proposed update to the Water and Sewer Ordinance, unifying the two. He noted the proposed changes, including the minimum charge for removal and reinstallation to be \$250 or the cost of actual repairs and requiring new out-of-City customers to sign a conditional annexation petition. Mr. Burton noted that he would like direction from Council on whether to proceed or not with the draft ordinance. Discussion among Council included how the proposed annexation would be implemented. Mr. Burton noted that other municipalities already have similar requirements in place. Council requested that it be placed on July's agenda for further discussion.

Mayor Comments

Mayor Edwards presented a letter from Ms. Kerry Brock, Community Resource Associate with the Oconee County Library. She requests a letter of support from the City regarding the acquisition of a mobile shower unit that would rotate locations around Oconee to provide for individuals in need. Mayor Edwards requested Council's support in his writing the requested letter of support. Mr. Pace moved to support this action; and Mr. Jordan seconded. The motion to write a letter of support was passed 5-0.

Mayor Edwards announced that he will not seek reelection in the upcoming election cycle. He shared his appreciation to the citizens of Walhalla for giving him the opportunity to serve and thanked his fellow Councilmembers. He concluded by stating that "Walhalla is truly a great place to live and work."

Executive Session

Mr. Woodward then moved to enter executive session to discuss a contractual real estate matter, discuss a personnel matter regarding a city employee, discuss a contractual/personnel matter regarding the City Administrator and discuss a service contract. Mr. Tyler seconded. The motion to enter into executive session was passed unanimously. Council entered executive session at 6:38 PM.

At 7:45 PM, Council unanimously moved to come out of executive session and noted that no action was taken during the executive session with a motion by Mr. Pace and a second by Mr. Jordan.

Mr. Pace moved to direct the City Administrator to proceed with a contract, regarding the real estate matter; Mr. Jordan seconded. The motion passed 5-0.

Mr. Woodward moved to direct the Administrator to proceed looking into options, regarding the city employee and possible medical retirement; Ms. Melendez seconded. The motion passed 5-0.

Mr. Pace moved to accept Mr. Burton's resignation, effective July 27, 2023; and Mr. Jordan seconded. The motion passed unanimously. Mr. Pace then moved to direct Mr. Burton to post the position internally; Mr. Woodward seconded. During discussion, it was noted that if no interest was garnered internally, the position would be advertised outside the City. The motion to post the City Administrator's position was approved 5-0.

Mr. Pace moved to direct the City Administrator to proceed with negotiations regarding the service contract. Ms. Melendez seconded. The motion was passed 5-0.

Hearing no further business, the meeting adjourned at 7:51 PM.

Respectfully Submitted,

Celia Boyd Myers, AICP
Community Development Manager



CITY OF WALHALLA
CONTRACTING AND FUNDING APPROVAL FORM

DEPARTMENT: Community Development

DATE REQUESTED: 6/14/23

PROJECT NAME: Building Official

PROJECT DESCRIPTION:

Contract for Building Official Services.

(Tag Along to Existing State Contract)

AWARDEE NAME: RCI of SC

CONTRACT COST: NTE \$45,000 ⁰⁰/yr

FUNDING SOURCE: General Fund '24

BUDGET CODE: 010-511-50400-50327

Timothy B. Bush

APPROVAL TO SUBMIT TO COUNCIL

CITY COUNCIL APPROVED

6/14/23 DATE

DATE

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into on this _____ day of _____, 20____ ("Effective Date") by and between:

_____(Name of first party)
located at _____
(address of first party) (the "First Party")

And

_____(Name of second party)
located at _____
(address of second party) (the "Second Party")

Both of whom are collectively known as the "Parties".

WHEREAS the First Party and the Second Party desire to enter into an agreement in which they will work together to achieve the various aims and objectives related to the Operation, Support and Maintenance of the Earle House Buildings (the "Project").

AND WHEREAS the First Party and the Second Party are desirous to enter into a MOU between them, setting out the working arrangements that each of the two agree are necessary to support the Project.

1. **Purpose and Scope:** The purpose of this MOU is to provide the framework, the scope of work, terms and conditions, and responsibilities of the Parties associated with their work on the Project, as attached in the detailed information for the Project that the Parties have agreed upon, if applicable. The obligations of the Parties will end on _____, 20____ unless extended by both parties.

As further outlined below, both parties will collaborate on the following:

Operation and Maintenance of the Earle House Building 105 W South Broad St,
Walhalla, SC

2. **The Parties' Obligations:** The Parties desire and wish that this document will not create any form or manner of a formal agreement, but rather an agreement between the Parties to work together in such a manner that would promote a genuine atmosphere of collaboration in support of an effective and efficient partnership and leadership meant to maintain, safeguard, and sustain sound and optimal financial, managerial, and administrative commitment with regards to all matters related to the Project.

OBLIGATIONS OF FIRST PARTY:

- Maintain Exterior of the building, including landscaping, roofing, siding, windows, parking lot, gutters, etc
- Maintain electrical, plumbing, HVAC systems throughout building

- Repair any leaks or other structural damage to building while maintaining its historical value
- Carry Insurance for the building
- Pay electric bill

OBLIGATIONS OF SECOND PARTY:

- Regularly schedule cleaning and pest control
 - Maintain the appearance of the interior of the building through paint, fixtures, wall hangings, lighting etc.
- Collaborate with community partners to offer shared space for those who need to meet or work. (This may include charging a rental fee to cover operational costs).
- Use building to efficiently house the Main Street Walhalla program and all of its volunteers
- Pay phone and internet bills

3. **Entire Agreement/Amendments:** This MOU contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by any Party or agents of any Party that are not contained in this MOU shall be binding or valid. Alterations, extensions, supplements or modifications to the terms of this MOU shall be agreed to in writing by the Parties, incorporated as amendments to this MOU, and made a part hereof.
4. **Severability:** If any provision of this MOU is adjudged to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions will not in any way be affected or impaired, and the Parties will use their best efforts to substitute a valid, legal, and enforceable provision which, insofar as practical, implements the purposes of this MOU.
5. **Authorization:** By signature below, the following individuals certify that they are authorized to act on behalf of their respective Parties to give effect to this MOU.

THE PARTIES HERETO have executed this MOU.

CITY OF WALHALLA

MAIN STREET WALHALLA

City Administrator, Brandon Burton

Exec. Director, Catie Fisher

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF WALHALLA, SOUTH CAROLINA
AND
Main Street WALHALLA, INC.**

This Memorandum of Understanding (the “MOU”) is entered into by and between the City of Walhalla, South Carolina (hereinafter referred to as “City”) and the Main Street Walhalla Inc. (hereinafter referred to as “Main Street”), collectively they are referred to as the “Parties.”

RECITALS

WHEREAS, the City of Walhalla is a municipality in the State of South Carolina; and

WHEREAS, the Main Street Walhalla Inc. is a 501(c)3 non-profit corporation organized under South Carolina’s non-profit corporation statute; and

WHEREAS, the City via its goals for the community is responsible for creating economic, cultural, and community-minded development opportunities throughout downtown Walhalla; and

WHEREAS, Downtown Walhalla is designated as a South Carolina Main Street Community and the Executive Director is responsible for the administration of the National Main Street Program and implementing the Main Street Approach for downtown revitalization; and

WHEREAS, Main Street is responsible for promoting Downtown Walhalla as a vibrant destination that builds community and support for local business; and

WHEREAS, the City and Main Street desire to memorialize a relationship between the City and Main Street by setting forth a series of mutual expectations; and

NOW THEREFORE, in consideration of the mutual covenants, promises, and commitments herein, and Parties agree as follows:

PURPOSE

The purpose of this MOU is to establish a general framework for cooperation and collaboration between the City and Main Street. This MOU is non-binding. This MOU is intended to assist in defining the relationship between the parties in order to ensure that the goals of each are accomplished in a mutually supportive way that promotes Downtown Walhalla as one of the state’s most attractive South Carolina Main Street Communities.

GUIDING PRINCIPLES

The guiding principles and assumptions for this agreement are as follows:

1. Parties individual efforts and accomplishments downtown will be attributed and credited to the City's South Carolina Main Street Program to ensure annual compliance with state and national Main Street designation and accreditation criteria is achieved.
2. Parties agree to communicate between each other each entity's downtown events, development activities, and initiatives.
3. Parties agree to create strategic marketing initiatives that assign clear responsibilities to each entity to avoid duplication of efforts and initiatives.
4. Parties agree to work together in best faith efforts to reduce costs associated with hosting, managing, and promoting downtown events and activities.
5. Parties agree to collaboratively seek downtown grant opportunities to supplement downtown resources.
6. Parties agree to promote the guiding principles of this MOU mutually and beneficially to educate members of the downtown business, residential, and tourist communities.
7. The City agrees to assign the City Administrator and Mayor or Mayor's designee as permanent ex-officio members (non voting members) on the governing board of Main Street and expected to attend board meetings.
8. Parties agree that by entering into this MOU that Main Street will maintain an independent non-profit status and the City may provide support for Main Street through staffing support of a full-time city employee and may provide limited and reasonable financial and in-kind support to Main Street at the discretion of City Council and City Administrator.
9. Parties agree to work collaboratively to create an annual plan of work and keep annual redevelopment statistics in compliance with the City's Main Street Program requirements.

MAIN STREET ROLES AND RESPONSIBILITIES

Main Street RESPONSIBILITIES. Main Street will use its best efforts to conduct philanthropic activities that support downtown businesses, residents, and visitors. Main Street agrees to:

1. Connect and support the downtown district businesses.
2. Manage the annual downtown events calendar and provide final approval for proposed downtown events
3. Support the City in marketing City-sponsored downtown events, development projects, and initiatives
4. Utilize volunteer board to support the promotion of downtown and utilize committees to support special-interest downtown programs
5. Provide downtown design improvement feedback to the City's Planning, Development, and Research Offices
6. Lead private-sector downtown fundraising efforts to support and enhance downtown events
7. Coordinate all new and existing business development issues with the City of Walhalla Staff.
8. Manage and bear financial responsibility for all Main Street-produced downtown events
9. Collaborate with the City on any currently adopted Downtown Master Plan(s).

CITY RESPONSIBILITIES. The City will use its best efforts to collaborate and communicate with Main Street on downtown activities that support downtown businesses, residents, and visitors. The City agrees to:

1. Provide one City of Walhalla staff member to manage and administer the Main Street Program, the Executive Director, reporting directly to the City Administrator and indirectly to the Board of Directors of Main Street
2. Manage downtown mixed-use development projects and initiatives
3. Work with Main Street to create marketing materials that promote and support downtown projects, programs, and events
4. The City will help identify new business leads, vacant storefront opportunities, and additional small business design opportunities for downtown and coordinate these opportunities with Main Street
5. Coordinate pre-development meetings between business owners and appropriate development service-related City departments
6. Make budget recommendations on behalf of Main Street to City Council for annual funding appropriations
7. The City will use best efforts to support and assist in the coordination of Main Street's event planning, programming, and operations to include in-kind City services for event logistics including set-up and strike, and provision of the City's mobile stage equipment
8. Provide Main Street information on planned downtown activities for the fiscal year such as capital improvements, street closures, and events that would impact the downtown area, and to include Main Street in pertinent discussions and decisions when appropriate

EFFECT, MODIFICATION, AND TERMINATION

- A. Parties acknowledge that no contractual relationship is created between them by this MOU, but agree to demonstrate best practices in communication and collaboration to foster downtown development activities that maximize benefits for downtown businesses, property owners, residents, and visitors.
- B. This MOU shall become effective upon full execution by the Parties and it is understood by both Parties the MOU shall be reviewed on an annual basis as needed.
- C. This MOU may be terminated by either party, effective upon written notice to the other party, at least sixty (60) days in advance.
- D. This MOU may be reviewed from time to time at the request of the Parties. If the Parties agree, the MOU may be modified in writing at any time with proper notice.

NOTICES

Any notice required or requested shall be in writing and addressed to the party being notified. Notices shall be sent to the following administrators responsible for administration of this MOU:

The City of Walhalla
City Administrator, Brandon Burton
206 N. Church St
PO Box 1099
Walhalla, SC 29691
Phone (864) 638-4343

Main Street Walhalla
Executive Director, Catie Fisher
105 W South Broad St, Walhalla, SC 29691
Phone: (864) 977-0222

The Parties hereby agree to the above MOU, terms and conditions as duly approved by the Parties' governing bodies:

CITY OF WALHALLA

MAIN STREET WALHALLA

City Administrator, Brandon Burton

Chairman, Darryl Broome

Print Name

Print Name

Date

Date

Attested: _____
Municipal Clerk, City of Walhalla

From: Russ Price, Walhalla SC rprice@cityofwalhalla.com
Subject: Fw: S&P QUOTE
Date: July 11, 2023 at 7:33 AM
To: Brandon Burton, Walhalla SC bburton@cityofwalhalla.com

WR

This is the quote from S&P Truck out of Pelzer for a complete engine. Talked with CES and truck pro about repairs and they said they wouldn't work on it. S&P trucks said they would. Waiting to hear from them on when we can bring it. He will be off the week of July 3-7. 7-10-23 Jason Shortridge S&P Truck called and said a whole motor with new turbo, computer, bell housing etc. and warranty would be around 40,000 installed and he would have to have the price of the motor upfront to order it. I called Andrew Paylor with Amick to help get a second opinion on what to do and price. He got me in on a conference call with JC Gillenwater with Solid waste Technology out of Statesboro GA. He does this also and said it sounded like a fair price and would be a better decision than a long block. He was against helicoils and the long block. (Too many issues). Especially if we were going to keep the truck as a backup when the new truck gets here.

Russell Price
Public Works Director
City Of Walhalla
PO Box 1099
Walhalla SC 29691
864-638-4351
rprice@cityofwalhalla.com



CONFIDENTIALITY NOTICE: All email correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA)

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and or privileged information protected by law. If you are not the intended recipient, you may not read, use, copy or distribute this e-mail message or its attachments. If you believe you have

or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message.

From: matthew parker <sptruck@att.net>
Sent: Monday, July 10, 2023 3:40 PM
To: Russ Price, Walhalla SC <rprice@cityofwalhalla.com>
Subject: S&P QUOTE

S&P TRUCK AND AUTO REPAIR LLC
600 SPEARMAN RD
SC, 29669. PELZER
Phone - 864-947-1283

INVOICE

1009

INVOICE

Print Date : 07/10/2023

2007 GARBAGE TRUCK -

PRICE, RUSS

Home 864-710-2036
Cust ID : 365

Ref # :

Lic # :
Unit # :
Vin # :
Hat # :

Odometer In :

Part Description / Number	Qty	Sale	Extended	Labor Description	Extend
COMPLETE				REPLACE ENGINE	5,225
ENGINE CUMMINS	1.00	32,440.00	32,440.00		
15/40					
15/40	4.00	19.19	76.76		
COOLANT					
COOLANT	10.00	15.59	155.90		
MISC					
MISC	1.00	500.00	500.00		
Shop Supplies		50.00	50.00		

Org. Estimate \$2.14

Revisions \$0.00

Current Estimate \$ 2.14

Additional Cost

Revised Estimate

Labor: 5,225.0
Parts: 33,222.6
Sublet: 0.0

Sub: 38,447.6
Tax: 2,325.5
Total: 40,773.2
Bal Due: \$40,773.2

[Payments -]

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Warranty on parts and labor one years or 12,000 miles whichever comes first. Warranty work has to be performed in our shop & cannot exceed the original cost of repair.

SIGNATURE..... Date..... Time.....

Written By: <none>

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE NO. 2023-

CITY OF WALHALLA)

WATER AND SEWER USE ORDINANCE

An Ordinance to Regulate, Restrict and Limit, in the interest of the Public Health and Safety, the use and operation of the Water and Sewer Systems maintained and owned by, or which may become the property of, the City of Walhalla and providing penalties for violation thereof. This ordinance rescinds all previous ordinances and ordinances or parts thereof in conflict with are hereby repealed.

BE IT ORDAINED by the Mayor and Council of the City of Walhalla as follows:

ARTICLE I

DEFINITIONS

Section 101. Apartment - shall mean any building containing two (2) or more Single Family Dwelling Units and having one (1) water connection for all Dwelling Units.

Section 102. Building - shall mean any improved property containing a structure which meets any one of the classifications in Article 1, Sections 101 through 108.

Section 103 B.O.D. – Biochemical Oxygen Demand is a measure of the pollutant strength of wastes of any nature. B.O.D. expressed in parts per million by weight shall mean the calculated pounds of oxygen required to satisfy the 5 day oxygen demand of a million pounds of domestic sewage or industrial wastes or a combination of both when tested in accordance with the procedures given in the latest edition of “Standard Methods for the Examination of Water and Sewage” published by the American Public Health Association.

Section 103. Business - shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under “Commercial” and “Institution.”

Section 104. Camper/Travel Trailer - shall mean a vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight not to require a special highway moving permit, designed to provide temporary living quarters for recreational, camping and travel use, and designed not to require permanent on-site utilities, including, but not limited to tent campers, park models, park trailers, motor homes, and fifth wheels. This term may include any vehicle whose body width is less than eight feet, and whose length is not more than thirty-five feet in the travel mode, and so designed that part of its weight

rests on the towing vehicle.

Section 105. City - shall mean the City of Walhalla, its elected officials and appointed authorized representatives.

Section 108 Color – shall mean the True Color due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in wave lengths of light

Section 109 Combined Sewage - shall mean a sewer receiving both surface water runoff and sewage

Section 106. Commercial - shall mean any hotel, motel, lodge, tourist home, efficiency apartments, or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a Rental Unit.

Section 111 Condominium – shall mean one or more buildings containing two or more single family units owned individually and not provided with access by public streets or roads and having one sewer connection for each unit.

Section 107. Customer - shall mean any responsible person who makes application to the City for water service.

Section 108. Customer in good standing - shall mean a customer who has an active account(s) and has not violated the water use ordinance at any time, and whose account is not currently delinquent.

Section 114 “Development” – shall mean any residential subdivision, commercial, industrial, or institutional complex.

Section 109. Equivalent Unit - shall mean equal to the number of Single Family dwelling unit for the purpose of establishing tap fee and billing cost; the following equivalents shall be used:

A) Single Family Dwelling Unit	1.0
B) Condominium Dwelling Unit	1.0
C) Townhouse Dwelling Unit	1.0
D) Apartment	1.0
E) Hotel or Motel per room	0.60
F) Mobile Home	1.0
G) Camper/travel Trailer	0.50
H) Restaurant, per seat	0.25

I) Business or Institution per 6,000 1.0
Gallons per month usage

Section 110. Farm Users - shall mean class of user that uses the water exclusively for lawn, garden, and crop use and there is no connection inside or outside of a building which is directly or indirectly tied to a sewer.

Section 111. Institution - shall mean any building used as a hospital, church, school or similar public facility.

Section 112. Master Meter – A water meter serving more than one unit.

Section 113. Multiple Family Dwelling Unit - shall mean any building containing two (2) or more Single Family Dwelling Units and having individual water connections to each Dwelling Unit.

Section 114. Non-Payment Fee – shall mean the fee charged to all customers on the disconnect list. This fee can only be waived one time for the lifetime of the account, and applies, regardless of connection status.

Section 119 Oconee Joint Regional Sewer Authority (OJRSA) – Shall mean the sewer treatment entity in Oconee County.

Section 115. Person - shall mean any individual, firm, company association, corporation, institution or group.

Section 116. Photo ID- A governmental issued identification card including a South Carolina Driver's license or photo ID or a current real photo ID from another state or a valid passport or a United States military identification card.

Section 117. Rental Property – shall mean any and all real property that is rented or leased by one group or person from any other group or person for the purpose of living space, commercial, or industrial use. ALL rental properties inside the City Limits MUST be inspected by the Fire Department prior to obtaining services.

Section 118. Residence – Any dwelling unit, home, mobile home, apartment, camper, etc. used as living space, whether permanent or temporary.

Section 119. Services - shall mean the delivery of potable water through an authorized and approved Water Connection, account record keeping, billing, and all work associated therewith.

Section 120. Single Family Dwelling Unit - shall mean any building, house or apartment unit, occupied for living purposes by a single family and owned or leased by the occupant

on a continuing basis for thirty (30) days or more per year. Only one unit per meter allowed.

Section 121. Townhouse - shall mean one or more buildings containing two (2) or more Single Family Units owned individually and provided with, or adjacent to, public streets or roads and having one (1) water connection for each unit.

Section 125 Sewer Connection shall mean all materials including valves, pipe, fittings, cleanouts to convey sewer waste from the customer.

Section 126 Sewer System - shall mean all property, equipment, pumps, piping, storage tanks, connections, records, structures, and any other associated appurtenances necessary to provide sewer service owned and operated by the City of Walhalla.

Section 122. Water Connection - shall mean all materials including valves, pipe, fittings, meter, and meter box necessary to convey water from the most convenient property line of the customer.

Section 123. Waterworks System - shall mean all property, well equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenances necessary to provide water service owned and operated by the City of Walhalla.

Article II

GENERAL

Section 201. Each utility customer shall make application to the City for service by completing the standard contract of the City. In addition, proof of ownership (deed), or a copy of a rental agreement, and a photo ID will be required to establish service. Contracts may be completed in person, by email, or through the City's website. Contracts for new service taken after 3:00 PM will be processed the next business day. Requests for same day service made after 3:00 PM will be charged as shown in Appendix A of the current budget document. Rental units inside City limits must pass an inspection prior to establishing service. Connection fees and service charges are as shown in Appendix A of the current approved budget document.

Section 202. To perform a home inspection that requires utility service, service will be furnished for a one-time inspection fee, as shown in Appendix A of the current budget document.

The customer will be required to fill out a contract at City Hall prior to a work order being processed. The meter will be unlocked and turned on by 3:30 PM, and will remain on until 3:30 PM the following day. This service may only be requested Monday through Thursday. The individual requesting water service will be responsible for coordinating with their inspector.

Section 203. It shall be unlawful and a violation of this Ordinance for any person, or persons to damage, deface, alter, change, or tamper with any part of the Waterworks or Sewage System in any way. This includes damage to the water meter or curb stop owned by the City. Upon conviction, said person or persons shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor. The minimum tampering/damage charge shall be \$250. Charges for meters damaged by the customer's negligence shall be the current market rate for the meter and associated installation costs.

Section 204. The City reserves the right to discontinue Service immediately, and the utility connection removed or severed, if it is found that any provision of this Ordinance has been violated.

Section 205. It shall be unlawful and a violation to this Ordinance for any person to make any connection to the Waterworks or Sewer Systems, or to reconnect service when it has been discontinued for violation of this Ordinance, or any other reason except where specifically approved in writing by the City with said approval being contingent upon satisfaction of all Articles of this Ordinance; and upon conviction, said person or persons shall be found guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor.

Section 206. When Service has been discontinued for violation of this Ordinance, including non-payment of bill, all charges for services to date become immediately due and payable. Service will not be reinstated until payment in full, of all charges, including: bills, cost of repairs, service charges, non-payment fees, and penalties.

Section 207. All metered accounts will be read monthly and billed monthly to the customer from the date service is established, regardless of the number of days of service. Account holders will have 25 days from the date on the bill to pay their bill. If the bill is not paid on the 26th day, then a 10% late penalty will be added. A bill with a balance of \$75.00 or greater after 30 days will be put the customer in non-payment status and will result in being placed on the cut off list. A \$35.00 non-payment fee will be added to the account when the cut-off list is generated. The non-payment fee must be paid before the service will be restored. For customers in good standing, the first non-payment fee will be waived.

Section 208. For each new utility connection and in addition to conformance with Article II, Section 201, the person applying for water service shall pay a tap fee for new meter installation according to the schedule of Appendix A of the current budget document. Payment is to be made before the water connection is provided by the City.

Section 209. No utility service shall be furnished to any residence or property from an existing

service at another residence. Unauthorized connection will result in termination of utility service at the residence with the active account.

Section 210. No claims or demand that the customer may have against the City shall be considered as an offset against the payments for service as provided under this Ordinance.

Section 211. Utility service, as provided by this Ordinance, is rendered to the customer for the use of the customer in the operation of his residence, rentals, services, business, commercial, or institution. Said service shall not be subleased, assigned, transferred, sold, or disposed of to others, in whole or any part thereof.

Section 212. Each utility connection shall require the connection fee as required by Section 201. All accounts will be billed monthly, regardless of usage or days of service. The applicant shall be responsible to all Articles of this Ordinance regardless of ownership of the property being served by that water connection.

Section 213. No utility service shall be furnished or rendered free of charge to any person.

Section 214. To discontinue service with the City, the customer must make a request, in writing, to have the service discontinued. The City has forms available at City Hall, which can be completed in person, by mail, or online. Service will not be discontinued until the completed form is received.

Section 215. Customers with a critical medical need for utility service shall provide a letter stating the medical necessity for water service on their physician's letterhead. If the customer's account is unpaid after the 20th, a written disconnect notice will be given, and service discontinued 48 hours later if balance remains unpaid. All penalties, late fees, and non-payment fees will apply.

ARTICLE III

SERVICE

Section 301. The City shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the South Carolina State Department of Health and Environmental Control. The City agrees to use reasonable diligence in providing a regular and uninterrupted supply of water service. In case the supply of water shall be interrupted, or fail by accident, or any cause whatsoever, except negligence on the part of the City, the City shall not be liable for any damages sustained by the customer by reason thereof.

(A) WATER METER OWNERSHIP

The City of Walhalla shall exclusively own all water meters, and appurtenances, as a part of its water system. The user of utility service shall pay the City of Walhalla the appropriate tap fee to provide such service. Customer is liable for ANY damages or tampering to the meter, box, valve, connections, etc. The City is NOT responsible for any portion of a service line beyond the discharge meter coupling.

(B) WATER METER REMOVAL FOR NONPAYMENT, TAMPERING, OR

DAMAGE: If an individual, corporation, partnership, or other entity does not pay a bill for utility service prior to the 20th of the month, and service shall be disconnected, and the water meter shall be locked. The lock shall be removed only when the bill is paid in full, including delinquent charges. If the lock is removed, cut, bypassed and/or tampered with, or the meter is tampered with or damaged, the following will occur:

The water meter shall be removed, and service discontinued. The minimum charge for removal and reinstallation shall be \$250.00, or the cost of actual repairs, whichever is greatest, plus payment of any delinquent bill.

Section 302. All services will be metered. Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year. When at the request of the customer, water meters have been tested by the City or any other party approved by the City and found to be more than 3% fast, previous bills reflecting such inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed three months prior billing. If a meter is tested at the customer's request more than once in any six-month period, the customer shall pay a service charge, as listed in Appendix A of the current budget document, for such service but in the event the meter is found to be more than 3% fast, the customer will have his bill adjusted as stated above and no service charge will be applied. For remote read meters, the reading on the meter register shall be the reading used for billing purposes in the event of a transmitter failure.

Section 303. The City shall have the right to enter the Customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations, or reading of meters. The City shall further have the right to enter the Customer's premises for inspection and any other reason for administering reasonable service provided that the customer is notified in advance.

Section 306. All applications for utility service are also subject to the Oconee Joint Regional Sewer Authority policies in effect at the time of application.

Section 307. All water connections installed for sprinkler systems, or similar business or commercial fire protection devices, must be equipped with at least a testable double check valve or a reduced pressure backflow preventer on the customer's side of the connection. The cost of the installation and annual testing shall be paid by the customer. The device must be certified once per year by a certified backflow tester at the customer's expense, and all tests must be submitted in the iBackflow system. Testing notices will be sent by iBackflow several weeks before the test is due. If a customer fails to have the device tested, the City will have the device tested by a contract tester, and bill the customer \$75 on their water bill.

Section 308. The City will allow each customer two free convenience cutoffs and cut-ons each year. Thereafter, the customer will be billed for this service according to Appendix A of the current budget document. Convenience cut-offs, as a protective device during periods of absence from the premises, do not relieve the customer of any obligation to pay the minimum

charges as set forth in the rate schedule of Appendix A of the current budget document.

Section 309. All building plumbing shall conform to the National Plumbing Code, latest revision, and shall be accomplished only by a regular, licensed plumber authorized by the City. It shall become the responsibility of each person requesting a water connection to notify the City and arrange for final inspection of the plumbing while visible and accessible to the inspecting agent of the City before permission to connect is granted.

Section 310. The City shall make inspections of existing building plumbing and if any condition is found which, in the opinion of the City, constitutes a health hazard or a potential health hazard to the water supply or operation of the Utility System. The City shall require immediate action to be taken by that customer or sever the water connection until remedial measures are instituted, and the hazard eliminated to the complete satisfaction of the City.

Section 311. Under no circumstance shall any part of the Waterworks System be connected in any way with any other water source, including well systems. Any hazardous connection between the Waterworks System and any source of contamination is expressly prohibited.

Section 312. During any and all improvements, expansions, extensions, repairs, or fire calls, the City shall exercise all reasonable precautions to protect the quality of the water supply including, but not limited to, flushing of mains and chlorination.

Section 313. Where no public sewer exists, or where connection is technically impractical, the owner of such property may apply for a permit to construct and operate a septic tank system as approved by the Health Department, and further provided that the septic tank system is properly maintained to eliminate any hazard to the public health.

Section 314. The City shall own, operate and maintain sewer service laterals to either the edge of the City's permanent sewer easement, typically 12' from center of main line, or the portion of the service line located within the public road right-of-way. The customer shall own, operate, maintain, and repair the lateral from the home to the City connection. For lateral lines that do not have a sewer cleanout at the connection point to the City lateral, at least 20' from the home, the customer shall be responsible for clean out installations

Section 315. In the interest of the public health and safety, the City shall be permitted to take such emergency action as may be deemed necessary in the operation of the Utility System. These rights, include but are not limited to, the right to close down any utility line or portion of the System for the purpose of making connections, alterations, or repairs. The City shall not be liable for any damages to any portion of the customer's service line, plumbing, etc.

Section 316. The City shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the customer. These tests are to be in accordance with the rules and regulations of the SCDHEC.

Section 317. During times of drought, the City reserves the right to discontinue water service for failure to abide by the water restrictions imposed. All irrigation equipment must be removed prior to re-installation of the meter.

Section 318. For new business or commercial water service, a walk thru will be required. The Fire Marshall, Zoning Administrator, and Utilities Director will provide guidance for the City's startup process. where renovations will be taking place, and water service will be needed, all permits must be obtained (Zoning, OJRSA if applicable, Building Permit) prior to application. After permits have been obtained, the Fire Marshall can be contacted for an inspection. After passing inspection, the Fire Marshall will clear the property for water service, and the occupant may then apply for water service. If the Fire Marshall, at any time during the renovation process, determines that the occupant is working outside of the permitted use or activities, or not following the permitted actions, the Marshall may request that water service be discontinued.

Section 319. Customers residing outside of City limits, who request City services, are required to complete a contract for provision of services to out of City customer. The contract requires that, as a condition of service, the customer must agree to complete an annexation petition presented at any future date. If the customer refuses to sign a valid annexation petition, the property will not be served by the City.

ARTICLE IV

RECORDS AND BILLING

Section 401. All metered accounts shall be billed and payable monthly.

Section 402. While the City will make every reasonable effort to see that each customer receives their bill. No responsibility will be assumed for non-delivery when same has been mailed at the post office.

Section 403. All charges for utility services are due and payable at the collecting office in the City Hall building of Walhalla.

Section 404. All bills paid after 5:00 PM shall be credited on the following business day.

Section 405. In no event will refunds for overcharges be made for a period covering more than three (3) months immediately preceding.

Section 406. Each account for utility service shall be classified for billing purposes at the discretion of the City according to the definitions contained herein. The customer shall have the right to redress to the City for purpose of reclassification through presentation of sufficient evidence to the City Council.

Section 407. The volume of flow used in computing sewer user charges and surcharges shall be based upon metered water, or by flow meter installed at no expense to the City. Consumption records of meter reading will be maintained by the City Utilities Department. For sewer customers, the City will allow for a Summer Sewer Bill for June, July, August, and September billings based upon 9 months usage, and excluding the usage from the months of June July, August. The charge for the special sewer rate will be \$25.00. As an

alternative, the City will install an irrigation only water tap. The tap may only be used for outdoor irrigation, filling of pools, car washing, etc., and may not be connected to any structure. If the City declares mandatory use restrictions due to drought, the service will be discontinued, and the summer sewer rate will be cancelled.

Section 408. Billing will be based upon minimum rates for each rate classification, and utility service, as shown in Appendix A of the current budget document. Any service discontinued for convenience under Section 307 shall be subject to payment of the minimum monthly rate for the period of absence. Sprinkler service provided to commercial, business or industries which are not metered shall be charged a monthly rate of \$0.10 in town and \$0.20 out of town per one hundred (100) square feet.

Section 409. Bulk water may be purchased by completing the Bulk Water Use form at City Hall. Bulk water will be dispensed ONLY at the Walhalla Fire Department, at 207 East North Broad St., Walhalla. All bulk water tanks must have an air gap for backflow prevention. Bulk water customers will be billed monthly, rates are listed in Appendix A of the current budget document.

Section 410. Services discontinued for non-payment shall only be re-instated after all past due charges, penalties, non-payment fees, and tampering fees have been paid in full. If the balance remains unpaid for 2 months and exceeds the connection fee amount, or, is unpaid for 3 months, the account will be closed and the connection fee applied to the balance. Outstanding balances on old accounts may be transferred to a customer's active account for payment. Discontinued water service cut on after normal hours of operation shall only be done with proof of payment of bill in full. Only a paid receipt or a cancelled check for the amount due will be accepted as proof.

Section 411. Each customer will be entitled to one adjustment every four years due to water leaks, upon showing proof of repair of the plumbing system. The customer will pay an estimated bill based upon the last six months of billing. The customer must have a minimum of six month's usage history to be eligible for an adjustment, and apply for the adjustment in person. If a customer has a leak, and is not eligible for a leak adjustment, the customer may be eligible for a payment plan. To qualify, there must be proof of the leak repair, and the customer's bill must be at least double their 6-month average usage. If qualified, the customer must request the payment plan prior to the 10th to avoid that month's penalties. The request must be made in person, by the account holder. The customer's high bill will be divided into 3 monthly payments that must be paid in addition to the normal monthly billing. If the payment is not made by the 10th, penalties will apply to the entire balance. If payment is not made by the 20th, the account will be subject to disconnection. If the customer's bill is greater than \$1,000, the payment period will be extended to 6 months, and all other conditions above will apply. For inactive accounts with an outstanding balance, customers may apply for the payment plan and for new service at the same time. They must agree to the appropriate plan terms (3 or 6 months) and conditions and agree to pay the plan payment and monthly bill or be subject to penalties and disconnection. The first payment of the plan will be due when the first bill is due.

Section 412. The City shall keep separate from other business the records of the Utility System.

Section 413. All records of business transactions, billings, and receipt of funds shall be maintained by the City clerk and treasured in accordance with the Bond Ordinances governing the system.

Section 414. The City Council shall prepare an annual budget for the Utility System based upon the audit and establish such changes as may be necessary to fund said budget in accordance with the Water and Sewer Use Ordinance.

Section 415. The City of Walhalla has the right, pursuant to the South Carolina Setoff Collection Act, to collect any sum due and owed by the applicant through offset of the applicant's state income tax refund. If the City of Walhalla chooses to pursue debts owed by the applicant through the Setoff Debt Collection Act, the applicant agrees to pay all fees and costs incurred through the setoff process, including fees charged by the Department of Revenue, the Municipal Association of South Carolina, and/or the City of Walhalla. If the City of Walhalla chooses to pursue debts in a manner other than setoff, the applicant agrees to pay the costs associated with the selected manor as well.

ARTICLE V

WATER TAPS

Section 501. No water connection shall be made until the tap fee as set forth below has been paid, and all necessary encroachment permits have been obtained.

Section 502. All taps and related water connections shall be accomplished by the City using standard equipment and materials.

Section 503. Tap fees for new connections shall be as shown in Appendix A of the current approved budget document.

Section 504. All tap fees for taps larger than one (1) inch in size, or requiring additional work beyond the normal tap, shall be the base one (1) inch tap cost, plus all materials, and appurtenances required for a complete installation. Each tap application will be reviewed, and a cost estimate provided to the customer, based upon actual site conditions. For new water taps that require additional materials (Additional pipe, concrete or asphalt work, special conditions, etc.), above and beyond that included in the tap fee listed, a quote for the additional cost will be prepared for the customer. The City reserves the right to postpone the installation of a service tap until all required permits are obtained, and all materials for the job have been delivered.

Section 505. All taps requiring flow for fire protection shall be required to have a detector check valve assembly for backflow prevention and to monitor usage. The fire line charge is for the tap fee and inspection only. For fire line taps outside City limits, or as part of a new construction project, all work, including tap, must be performed by a licensed contractor, and coordinated with City of Walhalla personnel. For retrofit fire sprinkler projects, within City

limits, the City will perform the fire line tap.

Section 506 Master Meters are allowed only by special permission of the City Council. Each billing/dwelling unit is required to have a separate meter. If any unit is removed from a master meter connection, the unit must have a separate meter installed before service can be restored. If the unit is re-connected to the master meter, the master meter is subject to disconnection for violation of this ordinance.

ARTICLE VI

PROHIBITED USE OF PUBLIC SEWERS

Section 601 No person shall discharge or cause to be discharged into any sanitary sewers any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

Section 602 Storm water and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the Approving Authority, be discharged to storm sewers or storm drains.

Section 603 Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste into any public sanitary sewer.

- (A) Any clothing, rags, textile, remnants or wastes, cloth, scraps, etc., except fibers, scraps, etc., which will pass through a 1/4 inch mesh screen or its equivalent in screening ability.
- (B) Any liquid or vapor having a temperature higher than 160 degrees.
- (C) Any water or waste containing more than 100 parts per million by weight or fats, oils or grease.
- (D) Any liquids, solids, or gases which by reason of their nature or quality may cause fire or explosion, or be in any way injurious to persons, the sewerage system, the sewage treatment works or the operation of the sewage treatment works.
- (E) Any liquid waste in which the suspended solids exceed 250 parts per million by weight except as hereinafter provided for.
- (F) Any liquid wastes in which the suspended solids exceed 250 parts per million by weight except as hereinafter provided for.
- (G) Any water or wastes having a stabilized pH lower than 6.0 or higher than 8.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

- (H) Any waters or waste containing a poisonous or toxic substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.
- (I) Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
- (J) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (K) Any garbage that has not been properly shredded.
- (L) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (M) Any materials which form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation..
- (N) Any waters or wastes containing dyes or other color which cannot be removed t biological processes and which require special chemical treatment.
- (O) Any waters or waste containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.

Section 604 The Approving Authority, without limitation by other sections of this ordinance, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the City under approved conditions or pretreatment. The Approving Authority may prohibit entry of particular industrial waste into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

ARTICLE VII

PERMISSIVE USE OF PUBLIC SEWERS

Section 701. The City shall reserve the right to inspect and grant permission for all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any person. The tap fee shall be specified in Appendix A of the current budget document.

Section 702. Where necessary in the opinion of the Approving Authority and whenever the total volume of sewage discharged by any person in any one day shall exceed the limits set forth above, such person may be required, at no expense to the City, to construct holding or storage tanks in order to equalize the discharge over a 24 hour period. Such tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the Approving Authority. Notice shall be given the Approving Authority when normal operations of the Person will be interrupted for 24 hours or longer and wastes will not be available for discharge.

Section 703. Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the Approving Authority and no construction of such facilities shall be commenced until such approval is obtained in writing.

Section 704. Where preliminary treatment, screening, debris removal, or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the City.

Section 705. Any person who is now discharging any sewage into the City's public sewer may be required to make written application to the Approving Authority giving complete information as to the nature and characteristic sewage as determined by an analysis of a composite sample of the waste made by an independent laboratory.

Section 706. Any person having been granted approval by the Approving Authority to discharge sewage into the City's public sewers, and who shall change or cause to be changed the nature or quantity of such sewage, shall before making such change, receive the approval of the Approving Authority of such change and may be required to furnish the Approving Authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

Section 707. Grease, oil and sand separators or traps shall be provided when in the opinion of the Approving Authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private living quarters or dwelling units, but may be required for certain industrial or commercial establishments, public eating place, hospitals, hotels, schools or other institutions. Such separators shall be readily accessible for inspection by the person at no expense to the City and in continuously efficient operation at all times.

Section 708. Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pre-treatment, storage or other approved works, or if pre-treatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may

beapproved by the Approving Authority so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of the waste discharged.

Section 709. In all cases, sewage discharge will meet the pre-treatment limits, as set forth in the Oconee Joint Regional Sewer Authority's Sewer Use Regulations, latest edition.

Article VIII

SEWER TAPS

Section 801. The surcharge covering the cost of treatment of said industrial wastes shall be determined by the Oconee County Sewer Commission.

Section 802. Connection fees to the sewer system shall be charged based upon size and at the rate as shown in Appendix A of the current budget document.

- (A) Apartments, duplexes, condominiums, townhomes, and mobile home parks on one connection shall be charged a tap fee based on size, as listed in Appendix A of the current budget document, for the first single family dwelling unit, plus \$100.00 for each additional unit served by the same connection.
- (B) Motels on one connection shall be charge as outlined in Section (A) plus \$35.00 per bedroom unit served by the same connection.
- (C) Business or industrial users on one connection shall be charged a connection fee in accordance with the connection size plus\$100.00 for each equivalent unit of flow to be discharged by the user.
- (D) No individual may tap the City's sewer system without prior written approval, and payment of the proper fees. All premade taps must be coordinated with the City prior to installation.
- (E) To obtain a new sewer tap, the Water and Sewer Tap Application and Sewer Service Accessibility Form must be filled out completely. The Sewer Service Accessibility Form is sent to the Oconee Joint Regional Sewer Authority (OJRSA) for review. Once the applicable sewer impact fees have been paid in full to the Oconee Joint Regional Sewer Authority (OJRSA), the sewer tap fee may be paid to the City.

Section 803. The City will allow for a Summer Sewer Bill for June, July, August, and September billings based upon 9 months usage, and excluding the usage from the months ofJune July, August. The charge for the special sewer rate will be \$25.00. As an alternative, the City will install an irrigation only water tap for a one-time fee of \$500. The tap may only be usedfor outdoor irrigation, filling of pools, car washing, etc., and may not be connected to any structure. If the City declares mandatory use restrictions due to drought, the service will be discontinued, and the summer sewer rate

will be cancelled.

ARTICLE IX

UTILITY SYSTEM EXTENSIONS

Section 901. New developments proposed to be constructed within the City Limits of Walhalla shall be provided access to adequate water service along public road rights of way which border the property to be developed. All proposed water main extensions within the development will be at the developer's cost, and built to meet the City's specifications. The developer's engineer will develop a preliminary plan to serve the development to include:

- Proposed use (residential, commercial, etc.)
- Number of units
- Anticipated water demand
- Preliminary layout of lots, water and sewer mains and sizes, proposed connection point(s) to public water and sewer systems, etc.
- Proposed timeline of project

Information provided during the initial design phase of the project will be used to determine the City's current ability to serve the project, and/or the need for existing system upgrades.

All required extensions of existing water mains, exceeding \$10,000, must be approved by City Council.

After the final development of plans, the project will follow the same process listed in Sections 903 – 911.

Section 902. Cost of design and construction of water lines in any new development, or line extension outside of the city limits, shall be the responsibility of the developer of such development.

Section 903. Water lines constructed within new developments may be conveyed to the City provided all lines are located within public rights of way or upon approval easements of adequate unobstructed widths to provide maintenance vehicle access.

Section 904. Any new development proposing to construct water distribution line or extensions to existing transmission mains to connect directly into the City's water system, shall conform it's plans and specs, shall be prepared by a registered engineer who is authorized by the laws of the state of South Carolina, and approved by any and all local, county and state authorities having jurisdiction.

Section 905. The following administrative procedures shall be followed:

- A. Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service

- connections, flows, pressures and point of connection to the City's system.
- B. Receive preliminary approval from City and other jurisdictional agencies.
- C. Prepare construction drawings and documents for City approval.
- D. Secure all other agency approvals of construction drawings and contract documents.
- E. Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.
- F. Provide the approving authority and its authorized representatives with permission for on-site inspection during construction.
- G. Furnish to the approving authority a certificate of completion, instrument of conveyance, warranty together with such other legal documents as may be required.

Section 906. Construction of the proposed water system shall be accomplished by a licensed utility contractor under the laws of the State of South Carolina who shall have paid all business licenses required by the City.

Section 907. Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority at no cost to the City, his certificate of completion indicating that the subject water system has been constructed in accordance with the approved plans and specs, and shall provide four copies of "As Built" drawings.

Section 908. The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for twelve months. The owner shall further warrant to the approving authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the City harmless in each instance.

Section 909. All water taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "AS Built" drawings.

Section 910. All water line extensions must be compatible with present and future plans and needs of the City.

Section 911. When all other requirements of this ordinance have been met and approved, the owner shall prepare and submit to the approving authority an Instrument of Conveyance, conveying the constructed system to the City, at no cost to the City and the system shall thereafter be owned, operated and maintained by the City, as provided for in this ordinance. The Instrument of Conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

Article X

VALIDITY

Section 1001. All ordinance or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

Section 1002. This ordinance shall be forthwith codified in the Code of City Ordinances as required by Section 47-61.3 Code of Laws of South Carolina, 1962, and same shall be indexed under the general heading "Waterworks System of City of Walhalla".

Section 1003. The City of Walhalla, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as they may deem necessary in the interest of public health and safety and further reserves the right to amend this ordinance, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to , Public Notice prior to final action.

Section 1004. The invalidity of any section, clause, sentence or provision in this ordinance shall not affect the validity of any other section clause, sentence or provision of this ordinance which can be given effect without such invalid part of part.

ARTICLE XI

EFFECTIVE DATE

Section 1101. This ordinance shall be in full force and effect from and after its passage.

DONE AND RATIFIED in Council duly assembled this _____ day of _____, 2023.

Danny Edwards, Mayor

ATTEST:

Brandon Burton, City Administrator

Introduced By: _____

First Reading: _____

Second Reading
and adoption: _____